

# **Appendix 3**

## **FACILITY-WIDE APPLICABLE REQUIREMENTS**

## REGULATORY OVERVIEW

The basis for the federal regulation of air emissions from the proposed Facility is the Clean Air Act of 1970, as amended in 1977 and again in 1990. The federal regulations promulgated by EPA under the authority of the Clean Air Act are briefly discussed in this section. Nevada has promulgated regulations covering the air emissions from the proposed Facility in Chapter 445B. These regulations are also briefly discussed in this section and the applicability is addressed in the forms at the end of this Appendix.

### New Source Performance Standards

New source performance standards (NSPS) were promulgated by EPA in 40 CFR Part 60. The NSPS represent maximum allowable emission rates for a variety of stationary sources; i.e., technology-based standards.

The NSPS for electric utility steam generators capable of combusting more than 250 million Btu/hr (MMBtu/hr) of heat input are set forth in Subpart Da. The subset of standards applicable to new coal-fired steam generators, such as the PC boilers at the proposed Facility, are as follows:

- Particulate matter - 0.015 lb/MMBtu (filterable)  
20% opacity (6-minute average, except for one 6-minute period per hour of not more than 27% opacity)
- Sulfur dioxide - 1.4 lb/MWh of gross energy output  
Note: Standard based on 30-day rolling average.
- Nitrogen oxides - 1.0 lb/MWh of gross energy output  
Note: Standard based on 30-day rolling average.
- Mercury\*<sup>1</sup> - 97 x 10<sup>-6</sup> lb/MWh of gross energy output (subbituminous units in an area receiving less than or equal to 25 in/yr mean annual precipitation) when firing 100% subbituminous coal, or  
  
when firing a blend of bituminous and subbituminous coal, a weighted average based on the proportion of the gross energy output in MWh of each coal rank and the mercury limits of 97 x 10<sup>-6</sup> lb/MWh for subbituminous and 20 x 10<sup>-6</sup> lb/MWh for bituminous.

Note: Standard based on 12-month rolling average.

The NSPS for industrial-commercial-institutional steam generators are set forth in Subpart Db. Due to its status as an oil-fired unit rated at 367 MMBtu/hr, the auxiliary boiler is subject to NSPS Subpart Db. The rule contains potentially applicable emission limits for SO<sub>2</sub>, PM, and NO<sub>x</sub>; however, none of the emission standards are applicable due to the use of ultra low sulfur distillate fuel and limited hours of operation (i.e., 500 hr/yr):

- Sulfur dioxide - The auxiliary boiler will use ultra low sulfur distillate fuel only. Since ultra

---

<sup>1</sup> In addition to the NSPS for new units, if implemented by Nevada, the Facility will also be required to hold allowances to cover mercury emissions.

low sulfur distillate contains less than 0.3% sulfur by weight, the auxiliary boiler is exempt from the NSPS Subpart Db SO<sub>2</sub> emission standards pursuant to 40 CFR §63.42b(k)(1).

- Particulate matter - The auxiliary boiler will use ultra low sulfur distillate fuel only. Since ultra low sulfur distillate contains less than 0.3% sulfur by weight, the auxiliary boiler is exempt from the NSPS Subpart Db PM and opacity standards pursuant to 40 CFR §63.43b(h)(5).
- Nitrogen oxides - The auxiliary boiler will be limited to 500 hours of operation per year. Since the operating hours limit will be a federally enforceable requirement that limits operation of the facility to an annual capacity factor of less than 10%, the auxiliary boiler is not subject to the NSPS Subpart Db NO<sub>x</sub> emission limit pursuant to 40 CFR §63.44b(l)(1).

The NSPS for coal preparation plants are set forth in Subpart Y. The standard applicable to the coal processing, storage and conveying equipment at the Facility is as follows:

- Particulate matter - 20% opacity

On July 11, 2006, EPA promulgated NSPS for stationary compression ignition internal combustion engines at Subpart IIII. The standards applicable to 2007 or later emergency diesel fired generators having a displacement greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder, such as the 1,500 kW emergency diesel fuel fired generator at the proposed Facility, are as follows:

- THC + NO<sub>x</sub> - 6.4 g/kWh
- CO - 3.5 g/kWh
- Particulate matter - 0.20 g/kWh
- Fuel sulfur -
  - Starting October 1, 2007
    - 500 ppm max sulfur
    - Minimum cetane index of 40 or maximum aromatic content of 35 volume percent
  - Starting October 1, 2010
    - 15 ppm max sulfur
    - Minimum cetane index of 40 or maximum aromatic content of 35 volume percent
- After 12/31/2008, may not install engine not meeting 2007 model year requirements.
- Prior to startup of the engine - installation of a non-resettable hour meter.
- Maintenance checks and readiness testing operation limited to 100 hours per year.

The standards applicable to an emergency diesel fired firewater pump having a power rating between 300 horsepower and 600 horsepower, such as the 450 hp emergency diesel fuel fired firewater pump at the proposed Facility, are as follows:

- 2009 and later model years
  - THC + NO<sub>x</sub> - 3.0 g/hp-hr (2.97 lb/hr)
  - CO - 2.6 g/hp-hr (2.57 lb/hr)
  - Particulate matter - 0.15 g/hp-hr (0.15 lb/hr)
- Fuel sulfur -

- Starting October 1, 2007
  - 500 ppm max sulfur
  - Minimum cetane index of 40 or maximum aromatic content of 35 volume percent
- Starting October 1, 2010
  - 15 ppm max sulfur
  - Minimum cetane index of 40 or maximum aromatic content of 35 volume percent
- Starting June 30, 2007 - installation of 2008 or later model year.
- Prior to startup of the engine - installation of a non-resettable hour meter.
- Maintenance checks and readiness testing operation limited to 100 hours per year.

## **National Ambient Air Quality Standards**

The Clean Air Act of 1970 mandated that the EPA establish ambient ceilings for certain pollutants based upon the identifiable effects that such pollutants may have on the public health or welfare. In 40 CFR Part 50, EPA promulgated regulations which set national ambient air quality standards (NAAQS). Two sets of standards were established: primary standards to protect public health and secondary standards to protect public welfare (animals, crops, vegetation, visibility, buildings). Pollutants having NAAQS are collectively referred to as criteria pollutants. The NAAQS are shown in Table 3.1.

**Table 3.1 - National Ambient Air Quality Standards**

Pollutant	Averaging Period <sup>(2)</sup>	National Ambient Air Quality Standard <sup>(1)</sup>	
		Primary	Secondary
Sulfur Dioxide	Annual Average	80	None
	24-hour Average	365	None
	3-hour Average	None	1,300
PM <sub>10</sub>	Annual Average	50	50
	24-hour Average	150	150
Carbon Monoxide	24-hour Average	10,000	None
	1-hour Average	40,000	None
Ozone	1-hour Average	235	235
Nitrogen Dioxide	Annual Average	100	100
Lead	Quarterly Average	1.5	1.5

(1) All standards in this table are expressed in micrograms per cubic meter,  $\mu\text{g}/\text{m}^3$ .

(2) Short-term ambient standards may be exceeded once per year, annual standards may never be exceeded. Ozone 1-hour standard is attained when the expected number of days of an exceedance is equal to or less than one.

Areas of the country are classified on the basis of whether or not the air quality meets the levels set by the NAAQS. Areas that have air quality at or better than the NAAQS are referred to as “attainment”; areas that do not are referred to as “nonattainment”. Areas that lack sufficient data to determine attainment or nonattainment status are unclassifiable, but are treated as being attainment areas until designated otherwise. The classification of an area is made on a pollutant specific basis.

The geographic regions established for air quality designation purposes are known as Air Quality Control Regions. The White Pine Energy Station will be located in the central and southern portions of basin 179 in White Pine County, Nevada, which is designated as an unclassifiable/attainment area for all criteria pollutants.

## **Prevention of Significant Deterioration (New Source Review)**

New Source Review (NSR) refers to the pre-construction review process for new and modified major sources for the ultimate purpose of protecting air quality. The component of NSR that is applicable to attainment areas is the Prevention of Significant Deterioration (PSD) program. The requirements of the PSD program are set forth in 40 CFR 51.166 and 40 CFR 52.21.

The Clean Air Amendments of 1977 established three classes of areas in the country that are in attainment with the NAAQS. For each class, a maximum allowable increase in pollutant concentration (i.e., deterioration of air quality) over a prescribed baseline was established. The maximum allowable increases, referred to as PSD increments, are set forth in 40 CFR 50.21(c) and are listed in Table 3.2 for Class I and Class II areas (there are no areas currently classified as Class III.)

**Table 3.2 - PSD Increments**

<b>Pollutant</b>	<b>Averaging Period</b>	<b>Class I Increment (<math>\mu\text{g}/\text{m}^3</math>)</b>	<b>Class II Increment (<math>\mu\text{g}/\text{m}^3</math>)</b>
PM <sub>10</sub>	Annual Average	4	17
	24-hour Maximum	8	30
Sulfur Dioxide	Annual Average	2	20
	24-hour Maximum	5	91
	3-hour Maximum	25	512
Nitrogen Dioxide	Annual Average	2.5	25

The PSD program applies to new and modified major sources. With respect to fossil-fuel-fired steam electric plants of more than 250 million Btu/hr heat input (such as the Facility), a source is defined as a major source if it has the potential to emit 100 tons per year or more of a regulated pollutant. A proposed source that is subject to the PSD program must:

- Apply best available control technology (BACT) for each regulated pollutant that it has the potential to emit in significant amounts. (Significant emission rates are set forth in 40 CFR 52.21(b)(23), and are listed in Table 3.3.)
- Conduct a source impact analysis to demonstrate that allowable emissions from the proposed source would not cause or contribute to air pollution in violation of any NAAQS or PSD increment.
- Conduct an analysis of existing ambient air quality data in the area to be affected by the Facility
- Conduct an additional impacts analysis to assess the impairment to visibility, soils, and vegetation as a result of the source and associated commercial, residential, and industrial growth and to assess air quality impact as a result of such growth.

**Table 3.3 - Significant Emission Rates**

<b>Pollutant</b>	<b>Emission Rate (tons per year)</b>
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter	25
PM <sub>10</sub>	15
Ozone	40 of VOC <sup>(1)</sup>
Lead	0.6
Fluorides	3

<b>Pollutant</b>	<b>Emission Rate (tons per year)</b>
Sulfuric acid mist	7
Hydrogen sulfide (H <sub>2</sub> S)	10
Total reduced sulfur (inc. H <sub>2</sub> S)	10
Reduced sulfur compounds (inc. H <sub>2</sub> S)	10

(1) Volatile organic compounds.

## Hazardous Air Pollutants

Section 112 of the Clean Air Act of 1970 mandated regulation of hazardous air pollutants (HAPs); however, Title III of the Clean Air Act Amendments of 1990 completely revised the HAP program. The regulations of the HAP program are set forth in 40 CFR Part 63. There are currently 188 HAPs. The HAP program also requires the development of maximum achievable control technology (MACT) standards for control of these substances. The amended act requires EPA to establish categories and subcategories of sources and to establish the technology-based MACT standards in accordance with a defined schedule. Any major source is required to meet the MACT emission limitations promulgated for its category or source. Under this program, a major source is defined as one that has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAPs.

On September 13, 2004, EPA finalized the MACT standards for Industrial, Commercial, and Institutional Boilers and Process Heaters. Under Subpart DDDDD, a new limited use liquid fuel boiler is required to meet the following emission standards and work practices, although testing is not required.

- Particulate matter - 0.03 lb/MMBtu of heat input (filterable)
- Hydrogen Chloride - 0.0009 lb/MMBtu of heat input
- Carbon Monoxide - 400 ppmvd (3% oxygen) (3-run average)

The Auxiliary Boiler at the Facility is subject to Subpart DDDDD as a new limited use liquid fuel boiler.

On June 15, 2004, EPA promulgated the MACT for Stationary Reciprocating Internal Combustion Engines at 40 CFR Part 63, Subpart ZZZZ. Engines rated at less than 500 brake horsepower (e.g., the firewater pump engine at the Facility) are not subject to the rule. Under Subpart ZZZZ, emergency internal combustion engines greater than 500 brake horsepower (e.g., the emergency diesel generator at the Facility) are subject to the initial notification requirements of 40 CFR §63.6645(d).

## Acid Rain Permit

Title IV of the Clean Air Act Amendments of 1990, referred to as the acid rain program, is intended to reduce emissions of sulfur dioxide and nitrogen oxides. The applicable regulations are contained in 40 CFR Part 72.

Under the acid rain program, a new coal-fired utility source (such as the Facility) must apply for an acid rain permit no less than 24 months prior to operation and meet the following requirements:

- The sulfur dioxide emissions from the source are limited to 1.2 lb/MMBtu.
- The source must hold sulfur dioxide allowances for each ton of sulfur dioxide emitted.
- The nitrogen oxides emissions from the source are limited to 0.46 lb/MMBtu for dry bottom wall-fired boilers and 0.40 lb/MMBtu for tangentially fired boilers.
- The source must continuously monitor and record sulfur dioxide and nitrogen oxides emissions, volumetric flow rate, opacity, and oxygen or carbon dioxide.

## Compliance Assurance Monitoring

Compliance assurance monitoring (CAM) regulations are set forth in 40 CFR Part 64. CAM is intended to provide reasonable assurance of compliance with emission standards for large emissions units that are equipped with pollution control devices. CAM regulations apply, on a pollutant specific basis, to each emissions unit at a major source that meets all of the following criteria:

- The unit is subject to an emission limit or standard for the pollutant.
- The unit uses a control device to achieve compliance with the limit or standard.
- The unit has potential pre-control emissions of the pollutant that are equal to or greater than the threshold amount required for the source to be considered major as provided under 40 CFR Part 70 (100 tons per year of a criteria pollutant or 10 tons per year of a HAP.)
- The unit is not otherwise exempt (exemptions are listed below).

The CAM regulations do not apply to the following emissions limits or standards:

- Limits or standards proposed by EPA after November 15, 1990 pursuant to Section 111 (NSPS) or 112 (HAPs) of the Clean Air Act.
- Limits or standards established pursuant to the acid rain program.
- Limits or standards for which an operating permit specifies a continuous compliance determination method that does not use an assumed emission reduction factor.

The CAM plan for the Facility will be submitted as part of the Operating Permit application discussed below.

## Operating Permit

Title V of the Clean Air Act Amendments of 1990 is intended to gather all of the substantive requirements of the Clean Air Act into one operating permit that is federally enforceable. The applicable federal regulations are contained in 40 CFR Part 70. A new source must apply for an operating permit no later than 12 months after commencing operation. The operating permit would contain the emissions limits, monitoring requirements, and other requirements imposed by the PSD program, the HAP program, the acid rain program, and the CAM rule.

## Federal Class I Areas

40 CFR 52.21 (p) requires that if the emissions from a proposed major stationary source may affect a Class I area, the federal land manager responsible for the management of the Class I area shall receive written notification including an analysis of the proposed source's anticipated impacts on visibility in the Federal Class I area. The Administrator shall consider a timely analysis performed by the federal land manager that shows that a proposed new major stationary source may have an adverse impact on air quality related values in any Federal Class I area. The Facility is within 300 km of the Jarbidge National Forest and portions of Zion National Park.

## Nevada Air Rules

The Nevada state regulatory requirements are codified in Chapter 445B of the Nevada Administrative Code. The majority of requirements applicable to the Facility are addressed as part of the Section 8 forms in Appendix 1 and Table 3.5 at the end of this Appendix. Additional requirements are summarized below.

Chapter 445B.22097

The Nevada state air quality standards are given in Table 3.4 below. The Class II impact analysis must demonstrate compliance with these standards along with the NAAQS and PSD increments.

**Table 3.4 – Nevada State Air Quality Standards**

<b>Pollutant</b>	<b>Averaging Period</b>	<b>NDEP BAPC Regulation Standards</b>
SO <sub>2</sub>	Annual	80
	24-hr	365
	3-hr	1,300
PM <sub>10</sub>	Annual	50
	24-hr	150
CO	8-hr	10,500
	1-hr	40,500
Ozone	1-hr	235
Nitrogen dioxide (NO <sub>2</sub> )	Annual	100
Lead	3-month	1.5
H <sub>2</sub> S	1-hr	112

Chapter 445B.230

Stationary sources with emissions of a regulated pollutant in excess of 100 tons are required to prepare and submit a plan for reducing or eliminating emissions of the regulated pollutant in the event of an episode stage of alert, warning, or emergency.

**TABLE 3.5**  
**APPLICABLE REQUIREMENTS, TEST METHODS, AND COMPLIANCE STATUS**

Applicable Requirement Citation and Description	Explanation of A Proposed Exemption	Test Methods and/or Monitoring	Compliance Status
<p>Nevada Revised Statute (NRS) 445B.470 (<u>State Only Requirement</u>)  <u>Prohibited Acts</u>  Source shall not knowingly:</p> <ol style="list-style-type: none"> <li>1. Violate any applicable provision, the terms or conditions of any permit or any provision for the filing of information;</li> <li>2. Fail to pay any fee;</li> <li>3. Falsify any material statement, representation or certification in any notice or report; or</li> <li>4. Render inaccurate any monitoring device or method, required pursuant to the provisions of NRS 445B.100 to 445B.450, inclusive, or 445B.470 to 445B.640, inclusive, or any regulation adopted pursuant to those provisions.</li> </ol>	Not Exempt	Not Applicable	In Compliance
<p>NAC 445B.22013 (<u>State Only Requirement</u>)  <u>Prohibited Discharge</u>  Source shall not cause or permit the discharge into the atmosphere from any stationary source of any hazardous air pollutant or toxic regulated air pollutant that threatens the health and safety of the general public, as determined by the director.</p>	Not Exempt	Not Applicable	In Compliance
<p>NAC 445B.225 (<u>State Only Requirement</u>)  <u>Prohibited Conduct: Concealment of Emissions</u>  Source shall not install, construct, or use any device which conceals any emission without reducing the total release of regulated air pollutants to the atmosphere.</p>	Not Exempt	Not Applicable	In Compliance
<p>State Implementation Plan (SIP) Article 2.2 (<u>Federally Enforceable State Implementation Plan (SIP) Requirement</u>)  <u>Circumvention</u>  2.2.1 - Except for the sole purpose of reducing the odor of an emission, Source shall not install, construct, or use any device which conceals any emission without resulting in a reduction in the total release of air contaminants to the atmosphere.</p>	Not Exempt	Not Applicable	In Compliance
<p>NAC 445B.326.1 (445.7133.1) <u>Federally Enforceable Part 70 Program</u>  <u>Assertion of Emergency as Affirmative Defense to Action for Noncompliance</u>  Source may assert an affirmative defense to an action brought for noncompliance with a technology-based emission limitation contained in the Operating Permit if the holder of the Operating Permit demonstrates through signed, contemporaneous operating logs or other relevant evidence that:</p> <ol style="list-style-type: none"> <li>a. An emergency occurred as defined in 445B.056 and the holder of the Operating Permit can identify the cause of the emergency;</li> <li>b. The facility was being properly operated at the time of the emergency;</li> <li>c. During the emergency, the holder of the Operating Permit took all reasonable steps to minimize excess emissions; and</li> <li>d. The holder of the Operating Permit submitted notice of the emergency to the director within 2 working days after the emergency. The notice must contain a description of the emergency, any steps taken to mitigate emissions, and any corrective actions taken to restore the normal operation of the facility.</li> </ol>	Not Exempt	Operating procedures will be maintained.	In Compliance

**TABLE 3.5**  
**APPLICABLE REQUIREMENTS, TEST METHODS, AND COMPLIANCE STATUS**

<b>Applicable Requirement Citation and Description</b>	<b>Explanation of A Proposed Exemption</b>	<b>Test Methods and/or Monitoring</b>	<b>Compliance Status</b>
NAC 445B.315.2.h (445.7112.2.h) <u>Federally Enforceable Part 70 Program</u> Source shall provide the Bureau of Air Quality, within a reasonable time, with any information that the Bureau of Air Quality requests in writing to determine whether cause exists for modifying, revoking and reissuing, reopening and revising or terminating this Operating Permit or to determine compliance with the conditions of this Operating Permit.	Not Exempt	Facility will submit information upon request.	In Compliance
NAC 445B.315.i (445.7145, 445.7112.2.i) <u>Federally Enforceable Part 70 Program</u> Source shall pay fees to the Bureau of Air Quality in accordance with the provisions set forth in NAC 445B.327 and 445B.331.	Not Exempt	Facility will pay fees in accordance with NAC.	In Compliance
NAC 445B.315.2.k (445.7112.2.k) <u>Federally Enforceable Part 70 Program</u> A responsible official of Source shall certify that, based on information and belief formed after reasonable inquiry, the statements made in any document required to be submitted by any condition of an Operating Permit are true, accurate and complete.	Not Exempt	Certification will be submitted, as required.	In Compliance
40 CFR 52.21(r)(4) <u>(Federally Enforceable PSD Program)</u> At such time that Source becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of 40 CFR Part 52.21 shall apply to the source or modification as though construction had not yet commenced on the source or modification.	Not Exempt	Not Applicable	In Compliance

**TABLE 3.5**  
**APPLICABLE REQUIREMENTS, TEST METHODS, AND COMPLIANCE STATUS**

Applicable Requirement Citation and Description	Explanation of A Proposed Exemption	Test Methods and/or Monitoring	Compliance Status
<p>(NAC 445B.252) <i>(State Only Requirement)</i></p> <p><u>Testing and Sampling</u></p> <p>1. To determine compliance with NAC 445B.001 (445.430) to 445B.395 (445.846), inclusive, before the approval or the continuance of an Operating Permit or similar class of permits, the director may either conduct or order the owner of any stationary source to conduct or have conducted such testing and sampling as the director determines necessary. Testing and sampling or either of them must be conducted and the results submitted to the director within 60 days after achieving the maximum rate of production at which the affected facility will be operated, but not later than 180 days after initial startup of the facility and at such times as may be required by the director.</p> <p>2. Tests of performance must be conducted and data reduced in accordance with the methods and procedures of the test contained in each applicable subsection of this section unless the director:</p> <ol style="list-style-type: none"> <li>Specifies or approves, in specific cases, the use of a method of reference with minor changes in methodology;</li> <li>Approves the use of an equivalent method;</li> <li>Approves the use of an alternative method, the results of which he has determined to be adequate for indicating whether a specific stationary source is in compliance; or</li> <li>Waives the requirement for tests of performance because the owner or operator of a stationary source has demonstrated by other means to the director's satisfaction that the affected facility is in compliance with the standard.</li> </ol> <p>3. Tests of performance must be conducted under such conditions as the director specifies to the operator of the plant based on representative performance of the affected facility. The owner or operator shall make available to the director such records as may be necessary to determine the conditions of the test of performance. Operations during periods of startup, shutdown, and malfunction must not constitute representative conditions of a test of performance unless otherwise specified in the applicable standard.</p> <p>4. The owner or operator of an affected facility shall give notice to the director 30 days before the test of performance to allow the director to have an observer present. A written testing procedure for the test of performance must be submitted to the director at least 30 days before the test of performance to allow the director to review the proposed testing procedures.</p> <p>5. Each test of performance must consist of at least three separate runs using the applicable method for that test. Each run must be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the runs apply. In the event of forced shutdown, failure of an irreplaceable portion of the sampling train, extreme meteorological conditions, or other circumstances with less than three valid samples being obtained, compliance may be determined using the arithmetic mean of the results of the other two runs upon the director's approval.</p> <p>6. All testing and sampling will be performed in accordance with recognized methods as specified by the director.</p> <p>7. The cost of all testing and sampling and the cost of all sampling holes, scaffolding, electric power, and other pertinent allied facilities as may be required and specified in writing by the director must be provided and paid for by the owner of the stationary source.</p> <p>8. All information and analytical results of testing and sampling must be certified as to their truth and accuracy and as to their compliance with all provisions of these regulations, and copies of these results must be provided to the director no later than 60 days after the testing or sampling, or both.</p>	Not Exempt	Testing and/or sampling will be in accordance with all applicable state and federal regulations and will be specified beforehand in a mutually agreed upon test protocol.	In Compliance

**TABLE 3.5**  
**APPLICABLE REQUIREMENTS, TEST METHODS, AND COMPLIANCE STATUS**

Applicable Requirement Citation and Description	Explanation of A Proposed Exemption	Test Methods and/or Monitoring	Compliance Status
<p>SIP Article 2.6 (<i>Federally Enforceable SIP Requirement</i>) <u>Testing and Sampling</u></p> <p>2.6.1 - To determine compliance with these regulations prior to approval of or prior to the continuance of an operating permit or similar class of permits, the Director may either conduct or order the owner of any source to conduct or have conducted such testing and sampling as the Director determines necessary.</p> <p>2.6.2 - Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the Director.</p> <p>2.6.3 - Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Director (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, or (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Director's satisfaction that the affected facility is in compliance with the standard.</p> <p>2.6.4 - Performance tests shall be conducted under such conditions as the Director shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Director such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions of performance tests unless otherwise specified in the applicable standard.</p> <p>2.6.5 - The owner or operator of an affected facility shall provide the Director 30 days prior notice of the performance test to afford the Director the opportunity to have an observer present.</p> <p>2.6.6 - Each performance test shall consist of at least two separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the runs shall apply. In the event of forced shutdown, failure of an irreplaceable portion of the sampling train, extreme meteorological conditions, or other circumstances with less than two valid samples being obtained, an additional performance test(s) must be conducted.</p> <p>2.6.7 - All testing and sampling will be performed in accordance with recognized methods as specified by the Director.</p> <p>2.6.8 - The cost of all testing and sampling and the cost of all sampling holes, scaffolding, electric power, and other pertinent allied facilities as may be required and specified in writing by the Director shall be provided and paid for by the owner of the source.</p> <p>2.6.9 - All information and analytical results of testing and sampling shall be certified as to their truth and accuracy and as to their compliance with all provisions of these (SIP) regulations and copies of these results shall be provided to both the owner and Director.</p>	Not Exempt	Testing and/or sampling will be in accordance with all applicable state and federal regulations and will be specified beforehand in a mutually agreed upon test protocol.	In Compliance

**TABLE 3.5**  
**APPLICABLE REQUIREMENTS, TEST METHODS, AND COMPLIANCE STATUS**

<b>Applicable Requirement Citation and Description</b>	<b>Explanation of A Proposed Exemption</b>	<b>Test Methods and/or Monitoring</b>	<b>Compliance Status</b>
NAC 445B.22067 ( <i>State Only Requirement</i> ) <u>Open Burning</u> The open burning of any combustible refuse, waste, garbage, oil, or for any salvage operations, except as specifically exempted, is prohibited. Specific exemptions from open burning are described in NAC 445B.22067.2.	Not Exempt	Open burning will not be conducted unless specifically exempted.	In Compliance
SIP Article 5.1 ( <i>Federally Enforceable SIP Requirement</i> ) <u>Open Burning</u> The open burning of any combustible refuse, waste, garbage, oil fires, or for any salvage operations, except as specifically exempted, is prohibited. Specific exemptions from open burning are described in SIP Articles 5.2, 5.2.1, 5.2.2, 5.2.3, 5.2.4 and 5.2.5.	Not Exempt	Open burning will not be conducted unless specifically exempted.	In Compliance
NAC 445B.22087 ( <i>State Only Requirement</i> ) <u>Odors</u> Source may not discharge or cause to be discharged, from any stationary source, any material or regulated air pollutant which is or tends to be offensive to the senses, injurious or detrimental to health and safety, or which in any way interferes with or prevents comfortable enjoyment of life or property.	Not Exempt	Such emissions are not expected.	In Compliance
SIP Article 10 ( <i>Federally Enforceable SIP Requirement</i> ) <u>Odors</u> 10.1.1 - Source shall not discharge, or cause to be discharged from any source any material or air contaminant which is, or tends to be, offensive to the senses, injurious or detrimental to health and safety, or which in any way interferes with or prevents the comfortable enjoyment of life or property.	Not Exempt	Such emissions are not expected.	In Compliance

**TABLE 3.5**  
**APPLICABLE REQUIREMENTS, TEST METHODS, AND COMPLIANCE STATUS**

Applicable Requirement Citation and Description	Explanation of A Proposed Exemption	Test Methods and/or Monitoring	Compliance Status
<p>NAC 445B.22093 (<i>State Only Requirement</i>) <u>Organic Solvents and Other Volatile Compounds</u></p> <ol style="list-style-type: none"> <li>1. Solvents or other volatile compounds such as paints, acids, alkalies, pesticides, fertilizers, and manure must be processed, stored, used, and transported in such a manner and by such means as to minimize the tendency to evaporate, leak, escape, or be otherwise discharged into the ambient air causing or contributing to air pollution. If methods of control are available and feasible effectively to reduce the contribution to air pollution from evaporation, leakage, or discharge, as determined by the director, the installation and use of such methods, devices, or equipment for control is mandatory.</li> <li>2. Source may not place, store, or hold in any new reservoir, stationary tank or other container with a capacity equal to or greater than 40,000 gallons any gasoline, petroleum distillate, or other volatile organic compound having a vapor pressure of 1.5 lb/square inch absolute or greater under actual storage conditions unless the tank, reservoir, or other container is a pressure tank maintaining working pressure sufficient at all times to prevent loss of vapor or gas to the atmosphere or is equipped with one of the following devices properly installed, in good working order, and in operation: <ol style="list-style-type: none"> <li>a. A floating roof which consists of a pontoon type or double-deck roof which rests on the surface of the liquid contents and is equipped with a seal to close the space between the roof eave and tank wall or a vapor balloon or a vapor dome designed in accordance with accepted standards of the petroleum industry. This control equipment is not permitted if the gasoline or petroleum distillate has a vapor pressure of 11 lb/square inch absolute or greater under actual conditions. All gauging and sampling devices for tanks must be gas tight except when gauging or sampling is taking place.</li> <li>b. Other equipment proven to be of equal efficiency for preventing discharge of gases and vapors to the atmosphere.</li> </ol> </li> <li>3. Any tank for the storage of any other petroleum or volatile organic compound which is constructed or extensively remodeled on or after November 7, 1975, must be equipped with a submerged fill pipe or the equivalent, as approved by the director, for control of emissions.</li> <li>4. All facilities for dock loading of products consisting of petroleum or other volatile organic compounds having a vapor pressure of 1.5 lb/square inch absolute or greater at loading pressure must have facilities for submerged filling by submerged fill pipe or an acceptable equivalent, for the control of emissions.</li> </ol>	Not Exempt	Such methods, devices, or equipment will be used as appropriate.	In Compliance
<p>SIP Article 9 (<i>Federally Enforceable SIP Requirement</i>) <u>Organic Solvent, other Volatile Compounds</u></p> <p>9.1 - Materials such as, but not limited to, solvents or other volatile compounds such as paints, acids, alkalies, pesticides, fertilizers, and manure shall be processed, stored, used, and transported in such a manner and by such means as to minimize the tendency to evaporate, leak, escape, or be otherwise discharged into the ambient air causing or contributing to air pollution; and where control methods are available and feasible effectively to reduce the contribution to air pollution from evaporation, leakage, or discharge, as determined by the Director, the installation and use of such control methods, devices, or equipment shall be mandatory.</p>	Not Exempt	Storage, transportation and use will be in accordance with manufacturer's and/or Director's guidelines and/or requirements.	In Compliance

**TABLE 3.5**  
**APPLICABLE REQUIREMENTS, TEST METHODS, AND COMPLIANCE STATUS**

Applicable Requirement Citation and Description	Explanation of A Proposed Exemption	Test Methods and/or Monitoring	Compliance Status
<p>SIP Article 9.2 (<i>Federally Enforceable SIP Requirement</i>)  <u>Storage Containers Equal to or Greater than 150 kiloliters (40,000 Gallons)</u>            9.2.1 - Source shall not place, store, or hold in any new reservoir, stationary tank or other container any gasoline, petroleum distillate, or other volatile organic compound having a vapor pressure of 1,055 kilograms per square meter (1.5 lb/square inch absolute) or greater (under actual storage conditions) unless such tank, reservoir, or other container is a pressure tank maintaining working pressure sufficient at all times to prevent vapor or gas loss to the atmosphere or is equipped with one of the following vapor loss control devices (see 9.2.1, 9.2.1.2) properly installed, in good working order, and in operation.</p> <p>9.2.1.1 - A floating roof which consists of a pontoon type or double-deck roof which rests on the surface of the liquid contents and is equipped with a closure seal to close the space between the roof eave and tank wall; or a vapor balloon or a vapor dome, designed in accordance with accepted standards of the petroleum industry. This control equipment shall not be permitted if the gasoline or petroleum distillate has a vapor pressure of 7,734 kilograms (11 lb/square inch absolute) or greater under actual conditions. All tank gauging and sampling devices shall be gas tight except when gauging or sampling is taking place.</p> <p>9.2.1.2 - Other equipment proven to be of equal efficiency for preventing discharge of gases and vapors to the atmosphere.</p>	<p>Affected storage tank contains petroleum distillates less than 1.5 psia.</p>	<p>Standard vapor pressure of distillate oil.</p>	<p>In Compliance</p>
<p>SIP Article 9.2 (<i>Federally Enforceable SIP Requirement</i>)  <u>Storage Containers Equal to or Greater than 150 kiloliters (40,000 Gallons)</u> (Continued)            9.2.2 - Any other petroleum or volatile organic compound storage tank which is constructed or extensively remodeled, on or after the effective date of these regulations, shall be equipped with submerged fill pipe or equivalent, as approved by the Director for control of emissions.</p>	<p>Not Exempt</p>	<p>A submerged fill pipe will be installed.</p>	<p>In Compliance</p>
<p>SIP Article 9.2 (<i>Federally Enforceable SIP Requirement</i>)  <u>Storage Containers Equal to or Greater than 150 kiloliters (40,000 Gallons)</u> (Continued)            9.2.3 - All facilities for dock loading of petroleum or volatile organic compound products, having a vapor pressure of 1,055 kilograms per square meter (1.5 pounds per square inch absolute) or greater at loading pressure, shall provide for submerged filling by a submerged fill pipe or acceptable equivalent for the control of emissions</p>	<p>No affected facilities on site.</p>	<p>Not Applicable</p>	<p>Not Applicable</p>

**TABLE 3.5**  
**APPLICABLE REQUIREMENTS, TEST METHODS, AND COMPLIANCE STATUS**

Applicable Requirement Citation and Description	Explanation of A Proposed Exemption	Test Methods and/or Monitoring	Compliance Status
<p>NAC 445B.22037 (<i>State Only Requirement</i>) <u>Fugitive Dust</u></p> <ol style="list-style-type: none"> <li>1. Source may not cause or permit the handling, transporting, or storing of any material in a manner which allows or may allow controllable particulate matter to become airborne.</li> <li>2. Except as otherwise provided in subsection 4, Source may not cause or permit the construction, repair, demolition, or use of unpaved or untreated areas without first putting into effect an ongoing program using the best practical methods to prevent particulate matter from becoming airborne. As used in this subsection, •best practical methods• includes, but is not limited to, paving, chemical stabilization, watering, phased construction, and revegetation.</li> <li>3. Except as provided in subsection 4, Source may not disturb or cover 5 acres or more of land or its topsoil until he has obtained an Operating Permit for surface area disturbance to clear, excavate, or level the land or to deposit any foreign material to fill or cover the land.</li> <li>4. The provisions of subsections 2 and 3 do not apply to: <ol style="list-style-type: none"> <li>a. Agricultural activities occurring on agricultural land; or</li> <li>b. Surface disturbances authorized by a permit issued pursuant to NRS 519A.180 which occur on land which is not less than 5 acres or more than 20 acres.</li> </ol> </li> </ol>	Not Exempt	Best practical methods will be used as described in fugitive dust plan.	In Compliance
<p>SIP Article 7.3 (<i>Federally Enforceable SIP Requirement</i>) <u>Fugitive Dust</u></p> <p>7.3.1 - Source shall not cause or permit the handling, transporting, or storing of any material in a manner which allows, or may allow, controllable particulate matter to become airborne.</p> <p>7.3.2 - In areas designated by the Director, Source shall not cause or permit the construction, repair, or demolition work, or the use of unpaved or untreated areas without applying all such measures as may be required by the Director to prevent particulate matter from becoming airborne.</p> <p>7.3.3 - Source may not disturb or cover 8 hectares (20 acres) or more of land or its topsoil, except for agricultural land until Source obtains a registration certificate or operating permit for the purpose of clearing, excavating or leveling such land or any foreign material to fill or cover such land.</p>	Not Exempt	Please see fugitive dust plan in Appendix 7.	In Compliance
<p>NAC 445B.227 (445.664) (<i>Federally Enforceable Part 70 Program</i>) <u>Facilities Operation</u></p> <p>Source may not:</p> <ol style="list-style-type: none"> <li>1. Operate a stationary source of air pollution unless the control equipment for air pollution which is required by applicable requirements or conditions of this Operating Permit is installed and operating.</li> <li>2. Disconnect, alter, modify or remove any of the control equipment for air pollution or modify any procedure required by an applicable requirement or condition of this Operating Permit.</li> </ol>	Not Exempt	Required control equipment will be installed and operated according to manufacturer's specifications.	In Compliance

**TABLE 3.5**  
**APPLICABLE REQUIREMENTS, TEST METHODS, AND COMPLIANCE STATUS**

Applicable Requirement Citation and Description	Explanation of A Proposed Exemption	Test Methods and/or Monitoring	Compliance Status
<p>The following provisions are applicable requirements of this Operating Permit:</p> <ol style="list-style-type: none"> <li>1. Source will comply with all applicable provisions of; <ol style="list-style-type: none"> <li>a. 40 CFR Part 60.1 - 60.19 - Standards of Performance for New Stationary Sources - General Provisions;</li> <li>b. 40 CFR Part 61.01 - 61.19 - National Emission Standards for Hazardous Air Pollutants - General Provisions;</li> <li>c. 40 CFR Part 61.140 - 61.157 - National Emission Standards for Asbestos;</li> <li>d. 40 CFR Part 63.1 - 63.15 - National Emission Standards for Hazardous Air Pollutants for Source Categories - General Provisions;</li> <li>e. 40 CFR Part 70 - State Operating Permit Program.</li> </ol> </li> </ol>	Not Exempt	Applicable provisions will be complied with as discussed elsewhere in this permit application.	In Compliance
<p>Source is subject to 40 CFR Part 68 - Chemical Accident Prevention Provisions. Source shall submit a risk management plan (RMP) by June 21, 1999, or other dates specified in 40 CFR 68.10. Source shall certify compliance with these requirements as part of the annual compliance certification as required by 40 CFR Part 70.</p>	Not Exempt	RMP will be submitted and complied with as required.	In Compliance
<p>Source will comply with all provisions of 40 CFR Part 82. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR 82.156. Equipment used during maintenance, service, repair, or disposal of appliances must meet the standards for recycling and recovery equipment in accordance with 40 CFR 82.158. Persons performing maintenance, service, repair or disposal of appliances must be certified by a certified technician pursuant to 40 CFR 82.161.</p>	Not Exempt	Facility will meet requirements of 40 CFR Part 82.	In Compliance
<p><u>Chemical Accident Prevention Provisions</u> Source shall:</p> <ol style="list-style-type: none"> <li>1. Submit a compliance schedule for meeting the requirements of 40 CFR Part 68.215 by the date provided in 40 CFR Part 68.10(a) or;</li> <li>2. Submit as part of the compliance certification submitted under 40 CFR Part 70.6(c)(5), a certification statement that the source is in compliance with all requirements of 40 CFR Part 68.215, including the registration and submission of the risk management plan.</li> </ol>	Not Exempt	Facility will submit schedule or certification prior to applicable deadlines.	In Compliance
<p>Source is not in compliance with NAC 445B.230 - •Plan for reduction of emissions. • In order to achieve compliance Source shall submit a plan for reducing or eliminating emissions associated with the stationary source in accordance with the episode stages of alert, warning, and emergency as contained in the applicable State Implementation Plan for the State of Nevada. The plan must be submitted on or before July 1, 1998.</p>	Not Exempt	A proposed plan is included as part of this application in Appendix 11.	In Compliance